



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Allison, Donald

Attorney Docket No. ALSN-1-1001

Serial No.: 09/989,852

Group Art Unit: 1772

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Examiner: Thomas, Alexander S.

Title: Perforated Tape

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RESPONSE TO OFFICE ACTION

TO THE COMMISSIONER OF PATENTS:

RESPONSE

REMARKS

Claims 1-5 are pending, and all were rejected under Section 102 or 103. The applicant respectfully disagrees with these rejections.

Section 102 Rejections.

The office action rejected claims 1 and 2 under Section 102(b) as anticipated by Sizemore, citing column 2, lines 12-27. While Sizemore does describe adhesive tape having perforations to facilitate tearing, it does not anticipate the claimed invention.

The claims all require *masking* tape, which is well understood as a tape that does not allow paint to pass through. As the specification of the present application explains at page 3, lines 2-3, "Generally the masking tape is defined as tape that has an adhesive on one side 18 and is used in a variety of ways including covering surfaces when painting." Sizemore, on the other hand, strictly discloses a breathable medical tape. Moreover, Sizemore includes a great number of perforations arranged on a grid, and explains that it is useful to include those perforations for ventilation. For example, at column 1, line 50, Sizemore explains, "Another object of the present invention is to provide an adhesive tape arrangement of the aforesaid type, which is provided with ventilating means without substantially decreasing the strength of the tape." Sizemore goes on to say at column 2, lines 49-52 that the perforations through the center of removed sections



25315

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improves the utility of the tape "because the perforations serve as very effective ventilating means while yet maintaining the sturdiness of the tape itself."

Perforated medical tape would not serve well as masking tape because it would likely allow paint to pass through the tape. This would defeat the very purpose of the masking tape, which is intended to protect surfaces from being painted. As such, Sizemore directly teaches away from the claimed use of masking tape.

In addition, claim 1 specifically recites that the separation lines are spaced to define a segment of tape that will cover a standard electrical wall outlet. Sizemore suggests various sizes that can be produced, but none of them are wall outlet sizes. Indeed, because Sizemore is only concerned with medical uses, none of the proposed uses even remotely suggest covering a wall outlet. Thus, Sizemore does not anticipate any of the claims.

Section 103 Rejections.

The office action also rejected claims 3-5 in view of the combination of Sizemore and either Cohausz or Perri. In both cases, Cohausz and Perri are cited as teaching that an elongated slit at the edge of a section of tape can be used to facilitate tearing. But Cohausz and Perri do not teach the combination as claimed, having an elongated cut at the edge and series of perforations in the center. Instead, Cohausz teaches the removal of a triangular section of tape at the detachment zone, and Perri shows the same thing for a paper reinforcement. No cited art teaches or suggests the claimed combination.

CONCLUSION

Applicant respectfully request reconsideration and allowance of all claims.

Respectfully submitted,

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25315

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